

REMARKS

Rejections Under 35 U.S.C § 103

The definition of R¹ no longer includes H in claim 1, thereby rendering the rejections moot.

The compounds in the new dependent claims are even further distinguished from the cited compounds in the rejection.

Allowed dependent claim 9 is rewritten in independent form as it no longer properly depends on claim 1.

Allowed claim 7 was amended because it improperly referred to the compound of formula I for the definition of the substituents, but this claim was independent of any claim reciting formula I.

Also note that the condition included in claim 1 that where, in the case that X has the meaning CH, R² and R⁴ do not simultaneously denote H, is adjusted as applicable to the subformulae appearing in claim 7.

Claim 14 objected to only as being dependent on a rejected claim, is rewritten in independent form. Claim 15 is made dependent on this independent claim. Likewise, allowed claim 19 is made dependent on this claim 14.

New independent claim 28 recited the features of allowable claims 3, 4 and 17 in the alternate to each other as a necessary condition. Thus, this claim should be allowable for the reasons for which these claims were noted allowable. Claims 3, 4 and 17 are made dependent on this new claim 28.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Csaba Henter/

Csaba Henter, Reg. No. 50,908
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: MERCK-3075

Date: October 22, 2010